

**FINAL
A G E N D A
7:30 PM**

CANTON CITY COUNCIL

JUNE 17, 2013

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: David Dougherty, Ward 6 Council Member

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#6 - O#13; O#5 Retained in Committee; O#14, O#15 and O#18 Adopted as Amended; O#16 Postponed until July 1, 2013)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): James Parker states that June 14th was Flag Day and feels that the city should be embarrassed to have 17 flag poles with nothing flying on them. It is only 84 days until the Hall of Fame turns 50 years old. This is a sin of omission to not have any flags flying. He asked when the football flags will be put back up to show we are the one and only Pro Football Hall of Fame City. Steve Silver feels that Informal Resolution #29 passed on June 3, 2013 is a community issue. Who will determine if an animal is wild or vicious and how to humanely deal with it. These animals live in the city and cannot get up and move any more than the people can. He would like his tax dollars to pay for safety services such as ambulances and fire trucks instead of animal control. Bruce Nordman stated that Group 175 had met with Derek Gordon and Member Morris in regard to their support for the Park levy. The group agreed to show support for the levy as soon as they received the money to hire the police officers to reach the 175 on the street that they continue to request. The city finds money falling from heaven to fund many projects but nothing is given for public safety. He thanked Members Morris, Cirelli, Fisher and Hawk for their support. Group 175 will now take the necessary action to get the necessary forces on the streets. Joyce Angerer is responding to an article that was in the newspaper about an animal control officer. Last year a committee was formed to analyze a TNR program for the city but no money was available. There were 108 cats spayed or neutered by AlleyCat Allies at no charge to the city. An animal control policy was outlined with the help of Health Commissioner Jim Adams and was sent to the Law Department for review.

INFORMAL RESOLUTIONS:

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| 32. | CNCL-AT-LRG MBRS BABCOCK & COLE;
WARD CNL MBRS HAWK, WEST, GRIFFIN,
SMITH, FISHER, DOUGHERTY, MARIOL
AND MORRIS: | SUPPORTING AND ENDORSING THE PROPOSED LEVY
FOR THE CANTON PARK COMMISSION. - ADOPTED |
| 33. | CNCL-AT-LRG MBRS BABCOCK & CIRELLI;
WARD CNL MBRS HAWK, FISHER,
MARIOL, MACK AND MORRIS: | OPPOSING THE AMENDMENT KNOWN AS SC3466
ABOUT OHIO'S OPEN MEETING LAW. - ADOPTED |
| 34. | PERSONNEL COMMITTEE: | REQ CONFIRMATION OF RE-APPT OF DEBORAH
ROHRBACH TO FAIR EMPLOYMENT PRACTICES
BOARD. - ADOPTED |

COMMUNICATIONS:

- | | | |
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| 235. | AGENT FOR PETITIONER SLIMAN: | RECEIPT OF PERTINENT DOCUMENTS IN REGARD TO
THE HOF ANNEXATION AREA FILED WITH STARK
COUNTY COMMISSIONERS. - RECEIVED & FILED |
| 236. | AUDITOR MALLONN: | REQ FOR ADDT'L AMENDED CERT DATED 5/29/13. -
RECEIVED & FILED |
| 237. | AUDITOR MALLONN: | MONTHLY RPT BY FUND 5/1/13 - 5/31/13. - RECEIVED &
FILED |
| 238. | AUDITOR MALLONN: | YEARLY RPT BY FUND 1/1/13 - 5/31/13. - RECEIVED &
FILED |
| 239. | AUDITOR MALLONN: | AMEND O#61/2012 SECTION 2 (ADD LANGUAGE TO
CANTON MERCHANDISE PROG). - JUDICIARY
COMMITTEE |
| 240. | CNCL-AT-LRG MBR CIRELLI AND
WARD 8 CNCL MBR MACK: | REQ PREPARATION OF LEGISLATION TO ADD
QUESTION OF CHARTER GOVERNMENT TO BALLOT. -
JUDICIARY COMMITTEE |
| 241. | DEPT OF COMMERCE: | NOTIFICATION OF HEARING RULING FOR DG
HOLDING & MGMT CO INC DBA THE SPOT @ 2600 8 TH
ST NE & PATIO (OBJECTION OVERRULED). - RECEIVED
& FILED |
| 242. | GILL, MICHAEL, PRESIDENT OF SID: | REQ APPROVAL OF RESOLUTION OF NECESSITY TO
PROCEED WITH IMPLEMENTATION OF PUBLIC SERV
PLAN ADOPTED BY DOWNTOWN CANTON SPECIAL
IMPROVEMENT DISTRICT FOR ANOTHER 4 YEARS. -
JUDICIARY COMMITTEE |
| 243. | HEALTH BENEFITS ADMIN MCBRIDE: | MONTHLY COMPARATIVE REPORT OF INSURANCE
CLAIMS FOR MAY 2012. - RECEIVED & FILED |

COMMUNICATIONS CONTINUED:

244. LAW DIRECTOR MARTUCCIO: REQ \$12,500.00 SUPP APPROP FROM UNAPPROP BAL 1105 POLICE SETTLEMENT FUND TO 1105 753001 LAW DEPARTMENT. - FINANCE COMMITTEE
245. LAW DIRECTOR MARTUCCIO: AMEND O#21/2013 (CORRECT LANGUAGE FOR PARK LEVY FOR BALLOT). - JUDICIARY COMMITTEE
246. LIQUOR CONTROL DIVISION (OHIO): REQ C1 C2 NEW LIQ PERMIT FOR DOLGEN MIDWEST LLC DBA DOLLAR GENERAL STORE 12191 @ 2103 TUSCARAWAS ST E. - RECEIVED & FILED
247. LIQUOR CONTROL DIVISION (OHIO): REQ C1 C2 NEW LIQ PERMIT TO DOLLAR & MORE OF CANTON LLC @ 824 12TH ST NW. - RECEIVED & FILED
248. LIQUOR CONTROL DIVISION (OHIO): REQ D1 NEW LIQ PERMIT TO CHIPOTLE MEXICAN GRILL OF COLORADO DBA CHIPOTLE MEXICAN GRILL @ 4130 TUSCARAWAS ST W. - RECEIVED & FILED
249. LIQUOR CONTROL DIVISION (OHIO): REQ D5 NEW LIQ PERMIT TO GLENDALE PLAZA INC @ 1210-12 30TH ST NW. - RECEIVED & FILED
250. MAYOR HEALY: ADVISE OF RE-APPT OF JOYCE SUMLIN TO MAYOR'S NEIGHBORHOOD COMMISSION FROM 6/1/13 - 5/31/14. - RECEIVED & FILED
251. MAYOR HEALY: AUTHORIZE RE-APPT OF ROBERT THOMPSON TO FAIR EMPLOYMENT PRACTICES BOARD FROM 3/1/13 - 2/28/16. - PERSONNEL COMMITTEE
252. SAFETY DIRECTOR PRICE: REQ APPROVAL TO ACCEPT FUNDS FROM 2013 EDWARD BYRNE MEMORIAL JUSTICE ASST GRANT (JAG PROGRAM) IN AMT OF 35,616.00 ON BEHALF OF CANTON POLICE DEPT; REQ RENAMING OF FUND 2769 FROM 2006 BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT TO THE 2013 BYRNE LOCAL SOLICITATION GRANT FUND AND RATIFY ANY AGMT ALREADY ENTERED INTO WITH STARK CTY COMMISSIONERS. - FINANCE COMMITTEE
253. SAFETY/SERVICE DIRECTOR PRICE: AMEND O#178/2008 FOR BISON REMEDIATION PROJ TO INCREASE CONTRACT AMT TO \$889,206.40 FOR MULTIPLE CHG ORDERS INCREASING TIME & SCOPE OF PROJ TO BE PAID BY CLEAN OHIO FUNDS. - FINANCE COMMITTEE
254. SERVICE DIRECTOR PRICE: REQ WARRANTY PERIOD INCREASE FROM 3 TO 5 YEARS ON PHOSPHORUS/TOTAL NITROGEN PROJ; AMEND O#70/2013 CHANGING AMT NOT TO EXCEED FROM \$28,500,000.00 TO \$28,820,200.00. - FINANCE COMMITTEE
255. SERVICE DIRECTOR PRICE: AMEND O#209/2012 WITH \$157,020.00 APPROP TRANSFER TO 4501 103001 FIRE ADMIN TO PURCHASE VITAL ITEMS INCLUDING TURNOUT GEAR AND RESCUE EQUIP. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
256. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONTRACT FOR PURCHASE OF BATHROOM FACILITY & INSTALLATION AT BUP REARICK PARK NOT TO EXCEED \$60,000.00. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND PARKS & RECREATION COMMITTEES
257. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR OR THEIR DESIGNEE TO ESTABLISH FAIR MARKET VALUE OF ALL PARCELS ON 12TH ST CORRIDOR; AUTHORIZE MAYOR AND/OR SERV DIR OR THEIR DESIGNEE TO NEGOTIATE WITH PROP OWNERS FOR PURCHASE/ACQUISTION OF THEIR PARCELS UTILIZING FMV & FOR CITY TO ACCEPT TITLE TO SAID PARCELS; AUTHORIZE MAYOR AND/OR SERV DIR OR THEIR DESIGNEE TO MAKE MINISTERIAL CHGS TO CORRECT PROP OWNER NAMES, PARCEL NUMBERS & OTHER ERRORS; COUNCIL DECLARATION OF INTENT TO APPROP PARCELS FOR PROJ; MAKE A \$579,637.58 SUPP APPROP FROM 2113 MUNI ROAD FUND UNAPPROP BAL TO 2113-202001 MUNI ROAD FUND - ENG ADMIN; MAKE A \$49,514.78 SUPP APPROP

COMMUNICATIONS CONTINUED:

- FROM 4506 INFRASTRUCTURE BOND FUND
UNAPPROP BAL TO 4506-202001 INFRASTRUCTURE
BOND FUND - ENG ADMIN; AUTHORIZE AUDITOR TO
DRAW WARRANTS UPON RECEIPTS OF VOUCHERS
BASED ON NEGOTIATED SETTLEMENT PRICE;
AUTHORIZE AUDITOR TO DRAW WARRANTS UPON
RECEIPT OF VOUCHERS FOR FMV FOR THOSE
PARCELS THAT REQUIRE PROP APPROP TO BE
DEPOSITED WITH COURTS. - PUBLIC PROPERTY
CAPITAL IMPROVEMENT COMMITTEE
258. SERVICE DIRECTOR PRICE: REQ 3 CHANGE ORDERS IN TOTAL AMT OF \$32,350.00
FOR NECESSARY WORK TO COMPLETE THE
REPLACEMENT OF THE ROOFING ON THE SEARS
BLDG. - PUBLIC PROPERTY CAPITAL IMPROVEMENT
COMMITTEE
259. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY INS FOR MAY 2013 IN
AMBULANCE LOCK BOX. - RECEIVED & FILED
260. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR MAY 2013. -
RECEIVED & FILED
261. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF
4/30/13. - RECEIVED & FILED
262. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S
OUTSTANDING INVESTMENTS AS OF 5/31/13. -
RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AUTHORIZE MAYOR &/OR SERV DIR TO NEGOTIATE AND ENTER INTO THREE OHIO WATER
POLLUTION CONTROL FUND WATER RESOURCE RESTORATION SPONSOR PROGRAM
SPONSORSHIP AGMTS; EMERGENCY
Referred Finance Committee
- 1ST RDG 2. AUTHORIZE MAYOR &/OR SAF & SERV DIR TO NEGOTIATE AND ENTER INTO CONTRACT WITH
HALL OF FAME CITY CHALLENGE, LLC FOR SERV TO BE RENDERED BY CITY OF CANTON IN
SUPPORT OF RACES; EMERGENCY
Referred to Finance Committee
- 1ST RDG 3. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT WITH WALT SWEENEY FORD FOR PURCHASE
OF 1 FORD F-250 PICKUP TRUCK IN AMT NOT TO EXCEED \$22,798.70 PURSUANT TO O.R.C.
SECTION 125.04; EMERGENCY
Referred to Public Property Capital Improvement Committee
- 1ST RDG 4. AMEND RES #58/2013; EMERGENCY (TACO BELL ANNEXATION - CHG ACREAGE TO 1.547)
Referred to Annexation Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**(SUSPENDED RULE 22A TO ADD O#6 - O#13; O#5 RETAINED IN COMMITTEE)****RETAINED IN**

- CMTE** 5. AMEND SEC 749.02, PERMIT REQUIRED, OF CODIFIED ORDINANCES OF CITY OF CANTON
(ITINERANT RETAILERS) (JUD)
- 2ND RDG 6. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE;
EMERGENCY (RICHARD & SHARON MEDLA - 133 HARRISON AVE SW, PARCEL #228696, LOT #9775)
(JUD) **PUB HRG: 7/1/13 @ 7:30 PM**
- 2ND RDG 7. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE;
EMERGENCY (LUBOV INC - 127/129 HARRISON AVE SW, PARCEL #214861, EAST END OF PT LOT
#9774) (JUD) **PUB HRG: 7/1/13 @ 7:31 PM**
- 2ND RDG 8. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE;
EMERGENCY (LRC-A TUSC PROPERTIES LLC - SW CORNER OF DRYDEN AVE SW & GROVE PL SW,
PARCEL #222629, PT LOT #9774) (JUD) **PUB HRG: 7/1/13 @ 7:32 PM**
- 2ND RDG 9. VACATE PORTIONS OF DRYDEN AVE SW & GROVE PL SW; APPROVE & ACCEPT THE DEDICATION
OF PARTS OF LOTS 9747 & 9748 FOR STREET PURPOSES; EMERGENCY (JOHN WOJTLA OF THE
ZAREMBA GROUP LLC, AGENT FOR DEARBORN LAND INVESTMENT LLC) (PS&T)
PUB HRG: 7/1/13 @ 7:33 PM
- 2ND RDG 10. AUTHORIZE MAYOR &/OR SAF DIR TO ENTER INTO AGMT TO PURCHASE SWAT TACTICAL VESTS &
HELMETS IN AMT NOT TO EXCEED \$56,900.00 PURSUANT TO ORC SEC 125.04; EMERGENCY (PPCI)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 2ND RDG 11. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR LEASE OF APPROX 282 SQ FT OF COMMERCIAL SPACE @ 215 W TUSC ST IN ORDER TO PROVIDE A SNACK/BAR CONCESSION STAND; EMERGENCY (FIN & PPCI)
- 2ND RDG 12. AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & ENTER INTO CONSTRUCTION CONTRACT FOR CONSTRUCTION OF FRAZER ESTATES STORM SEWER REPAIR GP 1189; EMERGENCY (PPCI)
- 2ND RDG 13. AUTHORIZE SERV DIR TO ENTER INTO PROF SVCS CONTRACT W/BURGESS & NIPLE FOR ENGINEERING SVCS DURING THE PLANNING, DESIGN & BIDDING PHASES OF WATER METER & METER TRANSMITTING UNIT (MTU) REPLACEMENT PROG IN AMT NOT TO EXCEED \$348,500.00; AUTHORIZE SERV DIR TO APPLY FOR & ENTER INTO CONTRACT W/THE OHIO WATER DEVELOPMENT AUTHORITY FOR A PLANNING LOAN FOR THE PROJ; AUTHORIZE AUDITOR TO ESTABLISH & CREATE THE 5227 WATER METER/MTU REPLACEMENT PROJ FUND; AMEND APPROP O#209/2012; EMERGENCY (PPCI)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD/FINAL READING & VOTE:**AS AMENDED**

- 105/2013 14. AMEND EXHIBIT A TO O#40/2000; AS AMENDED, CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY CITY OF CANTON; EMERGENCY (10PO PROBATIONARY POLICE OFFICERS)

AS AMENDED

- 106/2013 15. RESOLUTION TO SUBMIT TO ELECTORS OF CITY OF CANTON INCREASING TERM OF COUNCIL MEMBERS FROM TWO YEARS TO FOUR YEARS EFFECTIVE FOR THE 2016-2019 TERM AND THEREAFTER

POSTPONED UNTIL

- 7/1/13 16. APPROVE AND ACCEPT LOT SPLIT/REPLAT OF LOT NO. 35852; EMERGENCY (415 47TH ST NW, PARCEL #301329, THOMAS & LIESL FORBES AND GERALD & MARCIA CRAMER)
- 107/2013 17. AMEND O#209/2012; EMERGENCY (\$5,000.00 FROM UNAPPROP BAL 6017 HEALTH & LIFE INSURANCE FUND TO 6017 501101 HUMAN RESOURCES ADMIN - OTHER)

AS AMENDED

- 108/2013 18. AUTHORIZE SERV DIR AND/OR SAF DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR PURCHASE OR LEASE OF VARIOUS VEHICLES AND/OR EQUIP FOR DEPTS OF PUBLIC SAFETY & SERVICE; AUTHORIZE SERV AND/OR SAF DIR TO ENTER INTO VARIOUS CONTRACTS FOR PURCHASE OF VARIOUS VEHICLES AND/OR EQUIP IN ACCORDANCE WITH ORC SECTION 125.04; EMERGENCY
- 109/2013 19. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ONE YR CONTRACT WITH SMHA FOR VEHICLE MAINTENANCE AND FUEL SERV; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, JULY 1, 2013 in Council Caucus Room at 6:30 P.M.**

- 1) Finance Committee
- 2) Annexation Committee
- 3) Public Property Capital Improvement Committee

MISCELLANEOUS BUSINESS: Member Cirelli stated that a tree came down over Market Avenue in the storm over the weekend and asked if our crews go out to clean this up. Do we then bill the owner or does the city just eat that fee? Director Price says it depends on the circumstances but if a private tree falls in the city right of way, we bill the property owner. Member Cirelli asked if a city Arborist was hired three weeks ago. Director Price says yes, that he was hired under the Engineering Department. Member Cirelli asks if this position went out to bid and also if there is a job description or some policy in place that Council should know about. Director Price says the policy exists within the Tree Ordinance which says this position must exist. Dick Drake already had a relationship with the city. Member Cirelli had received a call from someone and had no knowledge of this position so she asks that Council be kept ahead of the public in these matters. Member Hawk heard that a new marathon would take place in the city and asks if we will collect the money from last year before the next race. Director Price says that while it took some time, the city has been paid for last year's services. It was handled like many other large events in the city. This year the city is requesting a 50% deposit up front on the estimate of costs for overtime services. Member Hawk received emails today regarding gun shots and gunfire in the Monument Park area. We need to have our priorities in place for the staffing of our safety services. Director Price discussed the animal control situation as reported by the Canton Repository. The contract that was in place was never fully executed because it was signed by one party and not the other. He is not going to sign this contract because it all became too big of an issue with the community and with Council. We all need to figure out where we want to go with this position in a humane manner. The original contract includes cats and now they are not asking for cats so he would like to receive a new request for legislation. Member Mack agrees that new legislation is needed. Member West requests the Law Department to review the contract as it exists because the citizens need an Animal Control Officer now. Member Cirelli sent a suggestion to change the name from Animal Control Officer to Wild Animal Control Officer and asks if this should be a seasonal position. Member Morris feels there needs to be some further discussion on this topic. Some of the animals pose a health issue for both people and domestic animals and this was made clear by Health Commissioner Adams during the last conversations about animal control. Member West says there is money in place to cover the remainder of the year so we need to get something in place now and there can be discussion for what needs to be addressed in January. Member Mack was looking at the contract and feels this should be discussed and perhaps amended for the next meeting. Member West reminds all that it was voted on and passed previously. Member Hawk states that since the past Animal Control Officer did such a good

job, maybe the city could contract with him on a case by case basis until this is resolved. He also told Jim Parker that he is happy to take and return calls but prefers during business hours that calls go through the office. Member Dougherty states that if the money exists that the animals should be removed and paid for by the city.

ADJOURNMENT: 8:46 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JULY 1, 2013 @ 7:30 PM